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**Hamlet of Enterprise**  
**Regular Meeting**  
4 November 2013  
Hamlet Office at 7:00 PM – 10:00 PM

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Start Motions #2013-11-183

1. Call to Order: 7:03 p.m.

1.1. Members Present:

Mayor Mike St. Amour  
Deputy Mayor Craig McMaster  
Councillor Jim Dives  
Councillor John Leskiw  
Councillor Tammy Neal

1.2. Community Gallery:

Sandra McMaster  
Amy Mercredi  
Shari Dives  
Vivianne Cadieux  
Winnie Cadieux  
Paul Bickford, NNSL  
Eleanor Young, Assistant Deputy Minister, MACA  
David Kravitz, Manager, Community Governance, MACA  
Valerie Conrad, Community Governance Advisor, MACA  
Gladys MacPherson, Assistant Regional Superintendent, South Slave, MACA

1.3. Staff/Volunteers

Terry Testart  
Melinda Lenoir  
Bruce Proud

2. Agenda Additions:

- 2.1. Item 13.1 – Council Meeting Packages: Councillor Neal
- 2.2. Item 13.2 – Motions from Sept 13 Meeting: Councillor Neal
- 2.3. Item 13.3 – Harassment: Councillor Neal
- 2.4. Item 13.4 – Road Maintenance: Councillor Dives

3. Adoption of Agenda:

**Motion 2013-11-183** ✓

**Motion to approve the agenda, as amended.** ✓

Moved by Councillor Neal

Seconded by Councillor Dives

All in favour.

**Motion Carried** ✓

4. Adoption of Minutes From Previous Meetings:

4.1. Minutes Regular Meeting Oct 7<sup>th</sup>, 2013

**Motion 2013-11-184** ✓

**Motion to accept the Minutes of Oct 7<sup>th</sup>, 2013, as presented.**

Moved by Councillor Dives

Seconded by Councillor Leskiw

*Discussion:*

Councillor Neal asked Mayor why the Agenda Item 8.1.1 (Legal Opinion-Conflict of Interest) was allowed to be an item on the agenda and discussed. She felt that more discretion should have been used when presenting the material. She felt that MACA should have intervened and not allowed discussion.

Mayor St. Amour turned the question over to Mr. Kravitz. He responded that Councillor Dives had requested that the letter be tabled and that is what the discussion was about. The letter was not discussed—just the matter of tabling the letter. He recommended that Council return to the agenda item: Approval of the Minutes.

Mayor St. Amour asked if there were further questions.

In favour: Deputy Mayor McMaster, Councillors Dives and Leskiw.

Abstention: Councillor Neal

**Motion Carried** ✓

5. Disclosure of Pecuniary Interest:

None declared.

6. Councillor Absences:

Councillor Alan Flamand

7. Delegations:

7.1. Eleanor Young – Assistant Deputy Minister, MACA, David Kravitz, Manager Community Governance, Pilot Project Council Mentoring Report #1 and next steps:

Eleanor Young spoke to Council about the written report that was sent to all Councillors by email. MACA wants to focus on the bigger issues facing Council, recognizing that the Council is a distinct level of government and that the legislation doesn't allow the Government many options to resolve the Council issues. The MACA team is in Enterprise at the Council meetings to try and support the Council to make improvements with their meetings such as staying on agenda, discussing business on topic and try to move forward. Discussion of when and why to ask for legal opinions and what to do with them once received. Minor items such as the amount of information and discussion included in minutes and what should be recorded. Ideally, minutes should be a reflection of what happened, what decisions are made and not necessarily including what he or she said, unless the discussion is relevant to the topic. To try to help Council, Mr. David Kravitz could be a point-person to try to keep the discussion focussed on topic.

Council may also consider using committees such as committee of the whole or standing committees. Council should also review their procedures of council bylaw.

Mr. Kravitz spoke about the need for why and when councils should get legal opinions. Normally, it would be when a council is being taken to court or that a council may be doing something that will likely end up in court. It is a professional opinion for the councillors, they should consider the opinion carefully. Ignoring legal advice can lead to legal issues.

MACA will continue to work with Council and staff over time to try to resolve issues.

*Discussion:*

Councillor Leskiw said he felt there was considerable personal conflicts between council members. He felt that there was not much advantage to doing this work until after the elections.

Councillor Neal asked if the SAO have the authority to get legal advice to work against council. She said that in the case of the legal opinion about the Jamboree, the legal opinion went against the Council.

Mr. Kravitz said it is a difficult question and has to be viewed on a case-by-case basis. He said that the SAO has an obligation to keep council out of trouble.

Eleanor Young said that councils will not always get the same opinion. There are many different legal opinions but this council seems to be getting bogged down with these discussions. Legal opinions do have value and should be considered.

Councillor Leskiw said he made a motion a couple of months ago that when it comes to the matter of legal questions, all councillors should agree to the question.

Mr. Kravitz answered that councils have to be careful about micro management. Administration should be reviewing the details for legal advice but councils also should not be giving carte blanche to allow this. The balance become a matter of trust between each other.

Councillor Neal asked if the trust was broken, council should dictate the points that would be brought to the lawyer.

Eleanor Young responded that MACA are not lawyers. Administration is looking to clarify so it depends what you are looking for. Council needs to protect themselves from their actions. Council needs to continue to discuss and identify situations that are causing angst.

Eleanor said that council should have a discussion and give credence to what the lawyer is advising. Council should look at the pieces of the legal opinion that may assist them in the future. Don't just dismiss it. You may want to give the legal opinion careful consideration.

*Mayor St. Amour thanked the MACA delegation for their presentation and suggested Council schedule some time accordingly in January to work with MACA.*

#### 7.2 Amy Mercredi, Enterprise Seniors' Society:

Ms. Mercredi provided a report on the Society's activities. She said that the seniors are enjoying the paved roads and are out walking. The Pasta Supper evening was a success. On Nov 29, there will be a simulated golf, dart and recreation activity at the Community Hall. On Dec 3, there is a seniors Aqua Fitness event scheduled in Hay River. She also said that the Seniors' Society had discussed being involved with Itsago in the spring but there was a decision not to be involved.

Ms. Mercredi requested that Council provide a rowing machine (approx. cost \$1,000) in the fitness centre in the Community Hall for seniors and others to exercise.

#### *Discussion:*

Councillor Neal was concerned about space availability in the fitness centre for a rowing machine.

Ms. Mercredi said she would leave that for Council consideration and thanked Mayor and Council for their time.

*Mayor St. Amour thanked Ms. Mercredi for her presentation and for keeping Council informed of the Seniors' Society activities. Council will consider the Society's request for the equipment and get back to them.*

## 8. Deferred Business and Tabled Items

### 8.1. Old Business

#### 8.1.1. Community Wellness Budget:

The Senior Administrative Officer reported to Council that Health and Social Services had still not provided any financial information or contribution agreement on the multi-year funding for Enterprise. He suggested to Council that the work on the Community Wellness budget be deferred until Council knows what revenue they will receive.

All councillors concurred.

#### 8.1.2. Capital Projects

The Senior Administrative Officer reported to Council that Council had requested a listing of projects that were outstanding and he referred to Council's 5-year Capital Plan. He said that there was relevant financial information in his SAO Report that would be discussed when Council gets to Agenda Item 9.1. The SAO recommended that Council review the list of project when they prepare their budgets and recommended that they do this work in committee.

Mr. Kravitz suggested that this is one of MACA's recommendations that Council use the "committee of the whole" method to work on budgets, which allows Council to have discussions with more freedom and less procedural issues that the process they must deal with when in formal council session.

Council agreed to defer to Committee of the Whole at a future date.

### 9. Reports

#### 9.1. Senior Administrative Officer (SAO) Report:

**Motion 2013-11-185** ✓

**Motion to accept the SAO Report dated 4 November 2013, as presented.**

Moved by Councillor Dives

Seconded by Councillor Leskiw

All in favour

**Motion Carried** ✓

#### *Discussion:*

Councillor Neal asked if the information in the report could be deferred as she hasn't had time to read the report.

*Mayor St. Amour suggested a five minute break to read the SAO Report.*

**Motion 2013-11-186** ✓

**Motion to take a five minute break at 8:11 p.m.**

Moved by Councillor Neal

Seconded by Deputy Mayor McMaster

All in favour

**Motion Carried** ✓

*Mayor St. Amour called the meeting back to order at 8:24 p.m.*

#### 9.1. Senior Administrative Officer Report:

#### *Discussion:*

#### Community Wellness:

Councillor Leskiw acknowledge the information that funds had not been received from Health and Social Services but referred to Councillor Flamand's request to have a budget prepared. He said Council should have an idea what they want to do with the program.

The SAO said when he was preparing a budget, he had to look for revenue. If there is no revenue from GNWT, Council will have to use their own revenues through various options. Approval of the Community Wellness Work Plan was conditional on the promise of funding.

Councillor Leskiw suggested getting a listing of the Community Wellness Work Plan.

The SAO suggested that this would be deferred to the Committee of the Whole, Council could develop a strategy around the Work Plan.

Mr. Kravitz added that Council can do some interim planning work such as amending the procedures of council bylaw using ad hoc committees but there are restrictions in the Hamlets Act that say from Election Day, councils can't change budgets, hire, fire, etc.

Technical Equipment:

**Motion 2013-11-187** ✓

**Motion to investigate the cost of equipment to provide effective and normal control, amplification and recordings of council meetings.** ✓

Moved by Councillor Dives

Seconded by Councillor Leskiw

*Discussion:*

Councillor Neal asked if motion was to get quotes on the equipment.

Councillor Dives said the motion was just to get information and an estimate off the cost. The motion is to investigate.

All in favour

**Motion Carried**

Department of Transportation – Pullout on NWT Highway 2, adjacent to Patterson Road (km18).

Councillor Dives recommended that correspondence be returned to Transportation that Council had no concerns with the construction of the pullout on NWT Hwy #2, km 18.

All agreed.

Mr. Kravitz suggest that Council indicate their consent by motion.

**Motion 2013-11-188** ✓

**Motion to confirm supporting the proposal from the Department of Transportation establish a vehicle pull-out lane on NWT Hwy #2, km 18, as presented.**

Moved by Councillor Dives

Seconded by Councillor Leskiw

*Discussion:*

Deputy Mayor McMaster asked why Transportation is asking. He said that they never asked when they Enterprise's opinion when they put guard rails on the corner in Enterprise.

All in favour

**Motion Carried** ✓

Paving Project:

The SAO asked if Council wished to have a community event celebrating the completion of the paving project.

Councillor Leskiw agreed. He felt it may be a good way to bind the community together.

Councillor Neal agreed with Councillor Leskiw.

Councillor Dives felt that these type of community dinners/events were well attended.

All agreed. The SAO is directed to investigate for appropriate date when VIPs, contractors can attend.

Designation Ceremony – NWT Hwy #1 from the NWT Border to Enterprise designated Highway of Heroes: Mayor St. Amour will attend and any other Councillors and Fire Dept. embers are invited to attend.

## 9.2. Financial Report-September 2013

**Motion 2013-11-189**

**Motion to approve the Financial Statements for September 2013, as presented.**

Moved by Councillor Dives

Seconded by Councillor Leskiw

*Discussion:*

Deputy Mayor McMaster asked why there is a budget in account 5147 of \$22,000 for events but there is no spending.

The SAO responded that the offset revenue from Health and Social Services has not yet been received so Council should look at both the revenue and expense variances.

All in favour

**Motion Carried**

**9.3. Elections Report – Returning Officer**

**Motion 2013-11-190**

**Motion to approve the Elections Report, as presented by the Returning Officer, as presented.**

Moved by Councillor Dives

Seconded by Councillor Neal

*Discussion:*

The SAO explained that the Council had not appointed a Returning Officer or Elections Registrar prior to 49 days in advance of the municipal Election Day (Dec 9). As the appointment was not done by Council pursuant to the *Local Authorities Elections Act*, the Senior Administrative Officer shall perform the duties of Returning Officer and Registrar. The SAO had asked Vivianne Cadieux if she would be Returning Officer and Registrar but she preferred to assist with the elections but not be Returning Officer, for personal reasons.

Councillor Neal asked why the Council was not provided the opportunity to appoint the Returning Officer and why the SAO had not put the item on the agenda for the last meeting of Council.

Mr. Kravitz suggested that the Appointment of the Returning Officer is a Council responsibility and if they can appoint the Returning Officer, they can replace the Returning Officer during the Election period.

Councillor Dives would like to see an advance poll approved.

No vote on Motion

**Motion Defeated**

**Motion 2013-11-191**

**Motion to approve an advance vote, in accordance with section 11. (2) of the *Local Authority Elections Act* will be held on December 2<sup>nd</sup>, 2013.**

Moved by Councillor Dives

Seconded by Councillor Neal

All in favour

**Motion Carried**

**Motion 2013-11-192**

**Motion to replace Terry Testart as the Returning Officer and to appoint Vivianne Cadieux as Returning Officer, in accordance with section 11 of the *Local Authority Elections Act*.**

Moved by Councillor Neal

Seconded by Deputy Mayor McMaster

*Discussion:*

Councillor Neal directly asked Ms. Cadieux, who was in attendance at the meeting, if she would accept the appointment. Ms. Cadieux declined.

Councillor Neal withdrew the motion.

**Motion Withdrawn**

**9.4. RCMP Policing Report – July and August 2013**

The SAO presented the Reports as the RCMP were not in attendance. He recommended that Council may want to invite the RCMP to attend their meetings to develop a relationship.

Councillor Leskiw would like to see representatives come to the meetings when they presented their reports.

Deputy Mayor McMaster said Council should leave it up to them as they might be busy.

**Motion 2013-11-193** ✓

**Motion to invite the RCMP to attend Council meetings in Enterprise creating a positive relationship between Council and RCMP.**

Moved by Councillor Leskiw

Seconded by Councillor Neal

*Discussion:*

All in favour

**Motion Carried** ✓

**9.5. Postma v. Hamlet of Enterprise**

**Motion 2013-11-194** ✓

**Motion to move the meeting ‘In Camera’ and close the meeting to the public to discuss a legal matter still under consideration and on which Council has not yet publically announced a decision.**

Moved by Councillor Neal

Seconded by Councillor Dives

*Discussion:*

All in favour

**Motion Carried**

*Mayor St. Amour closed the Council meeting at 9:06 p.m. and excused the public and staff, other than the SAO. Mayor St. Amour requested that the MACA Delegation attend for the discussion.*

**Motion 2013-11-195** ✓

**Motion to declare the meeting open to the public and revert to public meeting at 9:26 p.m.**

Moved by Councillor Dives

Seconded by Councillor Neal

*Discussion:*

All in favour

**Motion Carried** ✓

**Motion 2013-11-196** ✓

**Motion to authorize the Mayor and SAO to provide legal instructions and to authorize payment of \$2,500 to NORCIX Insurance to close the file.**

Moved by Councillor Leskiw

Seconded by Councillor Dives

*Discussion:*

All in favour

**Motion Carried** ✓

**10. New Business:**

None

**11. Correspondence Outgoing:**

None

## **12. Correspondence and Information:**

None

## **13. Council Issues and Concerns:**

### **13.1. Council Meeting Packages**

#### **Motion 2013-11-197**

**Motion to ensure that the SAO follows the Council Procedures Bylaw and distribute Council packages as per the schedule in the bylaw.**

Moved by Councillor Neal

Seconded by Deputy Mayor McMaster

#### *Discussion:*

Councillor Dives said he understands that the SAO is responsible for distributing the package but he stated he could not provide the complete package to Council as he did not have all the material.

Councillor Neal said that in his email, he did provide an explanation why the package was not complete but that it is hard to prepare for the meetings if the complete package arrives only in the morning of the meeting.

Councillor Dives said he agrees but in this case, the SAO was waiting for information before he could provide his report and he advised Council.

All in favour

**Motion Carried**

### **13.2. September 12 2013 Motions**

#### *Discussion:*

Councillor Neal asked the SAO where he is at on the motions that were made and if any actions were taken on those motions. She asked where the binders were for the councillors and what happened with some motions, such as having bi-monthly meetings.

The SAO responded that most of the actions that he has taken to follow the direction of Council has been discussed this meeting or is included in his Report.

Councillor Neal requested a list of motions. She said that motion of Council had been passed to provide binders for councillors by Administration and having them ready by October 16, 2013. She asked when this would be completed.

The SAO responded that the binder had been completed except for the inclusion of the minutes that Council had not approved until their last meeting (Minutes from May to Sept 2013). He said once these minutes were signed by the Mayor and sealed, they would be included in the binders. The SAO said the Council Binders were available on the due date and were on the table in the Council Chambers for pickup. The SAO was unclear of the meaning of some motions presented by Council at their September meeting but felt that the ongoing meetings between MACA and Council would give direction. He also said that the motion to start bi-monthly motion was conditional on Council instructions on when they would start. He said he understood that this was part of the discussion with MACA about committee structure.

#### **Motion 2013-11-198**

**Motion to move the meeting 'In Camera' and close the meeting to the public to discuss a personnel matter.**

Moved by Councillor Neal

Seconded by Deputy Mayor McMaster

#### *Discussion:*

All in favour

**Motion Carried**

*Mayor St. Amour closed the Council meeting at 9:37 p.m. and excused the public and staff. Mayor St. Amour requested that the MACA Delegation attend for the discussion.*



**14. Adjournment**

Pursuant to the Procedures of Council Bylaw #2007-04, Mayor St. Amour declared the meeting adjourned at 10:00 p.m.

**Certified Correct as Recorded on the 28<sup>th</sup> day of November 2013.**

\_\_\_\_\_  
Senior Administrative Officer

These minutes were approved 2013-xx-xx.

\_\_\_\_\_  
Mayor St. Amour

\_\_\_\_\_  
Senior Administrative Officer  
Terry Testart